INTERIM REPORT OF THE INTERAGENCY TASK FORCE ON LEAD IN DRINKING WATER

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Mayor, District of Columbia

The Hon. Carol Schwartz, Co-Chair
Councilmember At-Large, Council of the District of Columbia; Chair, Committee on Public Works and the Environment

April 9, 2004

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I. INTRODUCTION

The Interagency Task Force on Lead in Drinking Water ("Task Force") was formed to address the problem of increased levels of lead in the drinking water in homes of some residents of the District of Columbia. On February 4, 2004, the Council of the District of Columbia's Committee on Public Works and the Environment held an emergency public hearing on the matter, and held a second hearing on February 10, 2004. The next day, on February 11, 2004, Mayor Anthony Williams and Councilmember Carol Schwartz, who Chairs the Committee on Public Works and the Environment, announced the formation of the Task Force to find answers to questions of concern to the public and government regarding increased lead levels in some of the District's drinking water, to ensure the coordination of all involved parties in effective communication with the public and to provide an ongoing forum for relevant government entities to share information and develop responses in this matter.

Mayor Williams and Councilmember Schwartz, the Task Force co-chairs, brought together representatives from the Executive Office of the Mayor (EOM), the Council Chairman's office, the Council's Committees on Public Works and the Environment and Human Services, the Office of the City Administrator (OCA), the District of Columbia Water and Sewer Authority (WASA), the District of Columbia Department of Health (DOH), the Washington Aqueduct and the District Department of Transportation (DDOT) to serve on the Task Force. At its second meeting, the Task Force added the District of Columbia Emergency Management Agency (EMA).[1]

[1] Following a discussion at a Task Force meeting, the City Administrator partially activated emergency operations at EMA to coordinate the work of all city agencies involved in responding to the issue of high levels of lead in some of the District's drinking water. Toward that end, a Drinking Water Quality Workgroup was established to identify key issues associated with this situation and develop a plan of action to address and resolve those issues. A key component of EMA's coordination was ensuring that members of the work group carried out functions related to this situation according to the roles and responsibilities outlined in the District Response Plan (DRP). The agency also provided support services, including GIS mapping services to WASA and DOH. EMA continues to track agencies' completion of tasks identified in

Since the formation of the Task Force, it has met weekly to discuss concerns and possible solutions to the increased lead levels in some of the District's drinking water. To date, the Task Force has met on February 13, February 19, February 25, March 2, March 8, March 15, March 22, March 31 and April 5, 2004. Members of the Task Force have also addressed the public and the media at press conferences regarding the Task Force's activities in this matter held frequently, then on a regular three-times-a-week basis and now once a week unless another is needed.

Given what was known at the time of its inception, the Task Force was created to complete its work and issue a final report by April 9, 2004. Since then, the continuing efforts to address the issue and its evolving nature has led the Task Force to extend its duration for at least another three months. Since the initial deadline has arrived, the Task Force is issuing this interim report on its activities so that members of the public and other interested stakeholders are informed of its proceedings. The Task Force expects to issue a final report after July 9, 2004.

II. ACTIVITIES RESULTING FROM TASK FORCE MEETINGS

The following pages detail the activities that have resulted from discussions and commitments made at Task Force meetings. The Task Force was established to be, and is in practice, an action-oriented, deadline-driven work group. In each of the general areas discussed below, Task Force members have each week had frank and open discussions of concerns, disagreements, and problems. These robust discussions, at times contentious, have led to numerous activities intended to improve communications,

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the work plan and provide coordination and support for ongoing efforts to abate the problem. Finally, the agency has served as a communications clearinghouse and a logistics manager.

protocols, and resolution of the many complex facets of this issue. What follows is a catalog of the more prominent results that have stemmed from Task Force meetings.[2]

1. Public Notification/Community Outreach

It was clear to Task Force members that of primary importance was communicating clearly and consistently to the public. Prior to the formation of the Task Force and even a few weeks into its existence, different parts of different government agencies and other entities were saying different things to the public. Given a complex issue with many responsible entities, such multiple messaging is not surprising, but the Task Force felt strongly that first and foremost it needed to clarify and coordinate communications. Providing direction to the various agencies to achieve that end has been an ongoing aspect of the Task Force's work. Below are communication initiatives that resulted from Task Force discussions.

a. WASA Letter to Residences with Known or Suspected Lead Service Lines

On February 26, 2004, WASA sent a letter to all residences with known or suspected lead service lines providing safety information from DOH regarding the use of tap water in these residences. This letter also contained specific advice to be followed by children under the age of six and pregnant and nursing women living in these homes. This letter has since been translated into five different languages (Spanish, Korean, Chinese, Vietnamese and Amharic) and is posted on DOH's website. Recommendations in the letter include:

[2] There has been a tremendous increase in the amount of activity designed to address the lead issue since the formation of the Task Force. While it is difficult to catalog exactly which actions resulted from Task Force discussions versus which were merely influenced by them, versus which were accelerated by them, etc., it is safe to say that virtually all of the activities have flowed through the Task Force and/or have been led by Task Force members. This report does not intend to give undue credit to the Task Force for all of what has been accomplished, but rather to catalog the prominent activities, which makes clear the value the Task Force has added to the overall process.

- Using tap water for drinking or cooking only after other high water use activities, such as bathing, showering, flushing the toilet or washing of clothes, so that a total of at least 10 minutes of running water through the faucets or pipes has occurred.
- After this 10 minutes of use, letting the water run from the kitchen faucet for 60 seconds, then collecting drinking water in containers and storing them in the refrigerator.
- Removing and cleaning the strainer/aerator device on faucets about once a month to remove debris.
- Using only cold water for drinking or cooking.

Additional recommendations for children under the age of six and women who are pregnant or breastfeeding were to not drink unfiltered water from homes believed to have lead service lines or use it to prepare infant formula or concentrated juice until the concerns regarding potential increased lead levels in water in those properties has been resolved. It was also recommended that all children under the age of six and all pregnant women in these homes be screened for blood lead levels.

This letter also provided information regarding the use of home drinking water filters to remove lead from water and alerted residents to the fact that lead paint can be another very important source of lead exposure in the home. A decision was later made to provide water filters at no cost to all residences with known or suspected lead service lines.

b. WASA Letter to Residences for Which WASA Has No Record of Pipe Material

WASA has begun contacting by mail the approximately 21,000 customers at addresses for which WASA has no record of a pipe material. WASA is also urging these

customers to use its testing program to sample their tap water and to follow the recommended flushing precautions for residences with known lead service lines.

c. WASA Hotline

On February 4, 2004, WASA significantly expanded the number of telephone lines, hours of operation and personnel staffing its Lead Services Hotline initially established in January 2003 to address questions from the public related to the issue of lead in drinking water. The command center has been staffed seven days a week. To date, WASA's Lead Services Hotline has received 45,746 calls and 6,233 e-mail messages. According to WASA, since the lead issue arose, it has dedicated management, supervisory and numerous other employees to this operation. At this point, WASA employees are being returned to their regular roles. To accomplish this, WASA selected a firm through a competitive procurement with six GSA vendors to transition the lead hotline to a contractor. The initial term of this agreement is for three months. WASA will maintain control of this operation under its Customer Service operations, relocating it to the 810 First Street N.E. location over the next 30 days.

d. Public Meetings

WASA has participated in 13 total community meetings throughout the District to discuss the lead in drinking water issue with residents, hosting 8 of these meetings. Representatives from DOH have also been present at almost all of these meetings to provide health information to residents regarding the lead in drinking water situation. The specific meetings hosted by WASA in which DOH, the Washington Aqueduct and other Task Force members participated, include:

1. February 18, 2004 meeting at the Francis A. Gregory Library, 3660 Alabama Avenue, S.E.

2. February 26, 2004 meeting at the Washington Highland Branch Library, 115 Atlantic Street S.W.

3. March 2, 2004 meeting at the Palisades Branch Library, 4901 V Street N.W.

4. March 22, 2004 meeting at All Souls Church, 1500 Harvard Street N.W.

5. March 23, 2004 meeting at Hines Junior High School, 335 8th Street S.E.

6. March 24, 2004 meeting at George Washington University, Jack Morton Auditorium, 805 21st Street N.W.

7. March 29, 2004 meeting at Pennsylvania Avenue Baptist Church, 3000 Pennsylvania Avenue S.E.

8. March 31, 2004 meeting at Ketcham Elementary School, 1919 15th Street S.E.

Other meeting in which WASA participated include:

9. February 3, 2004 ANC 2E meeting on the campus of Georgetown University

10. February 11, 2004 meeting at the Jewish Community Center, 16th and Q Streets, NW

11. February 17, 2004 meeting with MOMS On the Hill community meeting, St. Peter's Church, 313 2nd Street, SE

12. February 19 meeting with the Kalorama Neighborhood Association, Good Will Baptist Church, 1862 Kalorama Road, NW

13. February 20, 2004 meeting with the Federal Civic Assembly, One Judiciary Square, 441 Fourth Street, NW

14. February 23, 2004 meeting with ANC 3C at the Metropolitan Police Department Second District Station, 3320 Idaho Avenue N.W.

15. March 5, 2004 Bloomingdale Neighborhood Association meeting at 1908 North Capitol Street N.W.

16. March 6, 2004 Cleveland Park Neighborhood Association meeting at the Cleveland Park Library, 3310 Connecticut Avenue N.W.

17. March 8, 2004 Congress Heights Community Association Meeting at Congress Heights United Methodist Church, 421 Alabama Street S.E.

18. March 13, 2004 panel discussion at the 4th Annual Ward 5 Constituent Summit at Trinity College, 125 Michigan Avenue N.E.

19. March 22, 2004 Southwest Neighborhood Assembly (SWNA) community meeting at St. Matthew's Church, 222 M Street S.W.

EPA has also been meeting with community groups in the District regarding the lead in drinking water issue, has placed staff in the District to deal with this matter and has expanded its Drinking Water Hotline to address District water issues. In cooperation with the District's Joint Unified Command, EPA has also offered information to radio stations in the District on the lead in drinking water issue and has created a comprehensive website to provide updates to District residents.

e. Meeting with Lead Coalition

On March 22, 2004, the Task Force met for over an hour with the Lead Coalition ("Coalition"), a group of representatives from various environmental and community

organizations, to discuss the Coalition's concerns regarding the lead in drinking water issue. Councilmember Schwartz had met with the Coalition the previous week and, as a result of that meeting, recommended that the Coalition meet with the full Task Force.

f. Frequently Asked Questions and Talking Points

The Emergency Management Agency prepared a set of Frequently Asked Questions (FAQs) and talking points regarding lead in drinking water in order to assist public officials and community leaders in answering citizens' questions regarding this issue. These FAQs and talking points were updated as new information became available. Copies of these FAQs and talking points were posted on the city's website and were sent by Councilmember Schwartz to every District Councilmember and Advisory Neighborhood Commissioner.

g. Television Programs

1. Lead in Water Television Special

EMA's joint information group, which includes WASA, has contacted D.C. Cable about producing and airing a program on the lead in drinking water issue. A Lead in Water television special is being developed in cooperation with the Office of Cable Television and Telecommunications (OCTT) to be broadcast as part of the DOH show "Health Matters." The show is cablecast on D.C. Cable and on WHUT-TV, Howard University public television, Channel 32.

2. Channel 16 Cable Television

DOH and WASA participated in Channel 16 Cable TV's "Reporter's Table" to discuss the topic of lead issues, a program that is replayed twice a day for two weeks.

2. Blood Lead Level Testing

Although there is scant scientific evidence to suggest a direct connection between lead in drinking water and lead absorption into the body, the Department of Health, with guidance and support from the Task Force, is executing a significant amount of blood lead level testing. The scope of this testing, unprecedented throughout the nation, is underway out of an abundance of caution so that we can (1) ensure that anyone with elevated blood lead levels is treated appropriately, (2) learn to what extent there is or is not a correlation between lead in the water and lead in the body, and (3) provide reassurance to the public. The results of this testing, preliminarily reported in a recent Centers for Disease Control study, will benefit not only the District but all cities that are facing, or will in the future face, a similar situation. Details of the activity in this area follow.

a. General Public

DOH has provided free blood testing for District residents at D.C. General Hospital, at multiple clinics across the city and through home visits in order to determine whether any resident has excessive blood lead levels. DOH was assisted in these efforts by the Commissioned Corps Readiness Force (CCRF), which provided a team of Public Health Service officers to help DOH administer blood tests. To date, 4,520 residents have been tested with results available for 4,106 of these residents. Of this total number of residents tested, 2,636 are outside the target population (children under the age of 6, women who are pregnant and women who are nursing), and 1,435 are within the target population. The ages of an additional 35 of these residents are currently being confirmed.

With respect to the residents outside the target population who were tested for blood lead levels, only 4 residents had a blood lead level of 25 micrograms per deciliter (mcg/dL) or higher, the level of concern for adults. Two of these residents have lead service lines.

Of the total number of residents tested who are in the target population, 1,277 were children under the age of 6 (88.9%), 85 were women who are pregnant (5.9%) and 73 were women who are nursing (5.1%). Of this total number of residents tested who are within the target population, only 18 residents had elevated blood lead levels of 10 mcg/dL or above the level of concern for children and pregnant and nursing women – 2 women who are nursing and 16 children under the age of 6. This is 0% of all the pregnant women tested, 2.7% of all the nursing women tested and 1.3% of all the children under the age of 6 tested. Of these 16 children under the age of 6 whose tests revealed high blood lead levels, 8 live in residences with lead service lines and 8 live in residences without lead service lines. Additionally, environmental assessments showed that, of the initial 14 children under the age of 6 who had elevated blood lead levels, all 14 live in residences with dust and/or soil lead levels exceeding EPA and HUD guidelines.

Additional points regarding this blood lead level testing are that: (1) none of the 201 persons DOH tested who live in homes with the highest measured levels of lead in the drinking water (>300 parts per billion (ppb)) had elevated blood lead levels, and (2) from 2000-2003, the percentage of children less than 6 years of age with elevated blood lead levels ($\geq$10 mcg/dL) continued to decline in the District both in homes with and without lead service lines. The percent of children with blood lead levels greater than or equal to 5 mcg/dL did not decline in homes with lead service lines, although this percent did decline in homes without lead service lines.

In collaboration with the Office of the Chief Technology Officer, DOH has implemented a new electronic database for blood lead levels that will become operational on April 15, 2004. This system will allow rapid reporting to DOH of all blood lead levels from commercial laboratories such as Quest Diagnostics and Labcorp, Inc. and all other sources.

Additional lead expert assistance was requested by DOH on March 23, 2004 from the Centers for Disease Control and Prevention (CDC) under the Epidemiological Aid Program. On March 30, 2004, a combined DOH-CDC Commissioned Corps Readiness Force (CCRF) report was published summarizing the results of preliminary investigations of blood lead levels and lead service pipes in a special issue of CDC's Morbidity and Mortality Weekly Report MMWR Dispatch.

DOH also notes that the EPA action level for lead in drinking water of 15 ppb is not a health-based recommendation. According to EPA, "This action level was not designed to measure health risks from water represented by individual samples. Rather, it is a statistical trigger that, if exceeded, requires more treatment, public education and possibly lead service line replacement." (http://www.epa.gov/dclead/oversight.htm) This is information that was revealed during testimony by EPA officials at the Committee on Public Works and the Environment's April 1, 2004 public hearing.

b. Children in Childcare Facilities with Lead Service Lines

To date, out of 151 District childcare facilities with lead service lines (as identified by WASA), blood lead level tests were completed on the children at 77 of these facilities. In these 77 facilities, 416 children were screened for lead – 278 of these children tested below 10 mcg/dL, 2 children tested above 10 mcg/dL and 136 results are pending. Of the remaining childcare facilities, 25 are closed or have no children currently enrolled, 33 have children that have been screened by a private physician or whose parents refused screening, 6 facilities will call DOH back to make an appointment or give test results from a private physician and 10 facilities were not tested. Of these 10 facilities which were not tested, 6 facilities had children whose parents refused to have the children tested, 2 facilities refused to have its children tested and 2 facilities were unable to be reached with a visit or by telephone.

3. Water Lead Level Testing

Just as testing of people is important to ascertain lead absorption, the Task Force recognized that enhanced testing of residences and other facilities throughout the District was necessary to get a handle on the situation and to provide information to homeowners and the general public. While WASA had last year begun an aggressive testing program, the Task Force has actively guided and enhanced water testing, so that the public as well as the decision-makers can determine where and to what magnitude lead readings above the EPA "action level" exist. What follows are actions taken as a result of Task Force guidance in this area.

a. Residences

i. Water Test Kits

To date, WASA has shipped over 19,000 water test kits to District residents who have requested one, and has conducted a total of over 11,000 tests of water provided by its customers. The Task Force encouraged the establishment of six sites where residents could drop off sample kits. In order to ensure that the delivery of sample kits to eligible

residents and shipment to a laboratory for testing is expeditious and convenient, WASA is transitioning the sampling program to provide more timely and responsive service. As part of this process, WASA will be contacting residents by mail who have not requested sample kits, and who live in either a property that is identified as being served by a lead service line, or homes for which WASA has no information on the pipe material. These residents will be encouraged to use a postcard enclosed in the mailing to request a sample test kit and pick-up for delivery to a lab via UPS. Test results will then be provided to WASA and to the residents.

ii. Sampling Data

The following is the sample results data from WASA for the current year. Individual premise data are shared by WASA with DOH for correlation with blood lead level data. Lead value concentrations are measurably lower overall than last year's results, and the "Unknown" material results indicate that a relatively small percentage of these services may be lead services. "Copper," "Brass" and "Other" results present clear evidence that those service line materials contribute much lower levels of lead, and that over 90% of these samples are below action level. Additionally, WASA says that "first draw" results in premises served by those copper, brass and other materials are below the EPA action level.

SUMMARY OF 2004 WATER TESTING DATA
Samples Analyzed through April 5, 2004

Total Samples Conclusively Matched to Address in Database = 6836.
"Second draw" results are indicative of service line impact on water quality.
"First draw" results relate to faucet and nearby internal plumbing impact.

	First Draw					
Lead [ppb]	Lead	Copper	Brass	Unknown	Other	
0-15	1000	2166	565	1044	131	4906

>15-50	979	192	22	435	10	1638
>50 – 100	137	26	5	56	1	225
>100-150	20	9	0	8	0	37
Over 150	18	8	1	3	0	30
	2154	2401	593	1546	142	6836

	Second Draw					
Lead [ppb]	Lead	Copper	Brass	Unknown	Other	
0-15	1109	2214	572	1110	126	5131
>15-50	615	117	15	266	10	1023
>50 – 100	304	46	3	124	5	482
>100-150	92	16	2	31	1	142
Over 150	34	8	1	15	0	58
	2154	2401	593	1546	142	6836

Source: WASA.

b. Schools

WASA conducted extensive testing of public schools and administrative buildings in February 2004. In order to address concerns about representative and complete sampling, WASA has begun resampling these schools with a protocol approved by EPA.

c. Apartment Buildings

WASA is discussing two different options for achieving lead level tests for water in apartment buildings whose owners or landlords refuse to conduct such tests or release the results of such tests to the tenants. The first option is to send a test kit to one tenant in the building if that tenant agrees to publicly post the results of the test in the building for other tenants to see. The second option being considered is to find a mechanism whereby the Department of Consumer and Regulatory Affairs can require the owner or landlord of a building to conduct a test for lead in the water and to make the results available to the tenants.

d. Public Housing, Hospitals and Jails

At the recommendation of Councilmember Schwartz, WASA has tested water lead levels at Department of Corrections facilities in the District, including the jail (Central Detention Facility). The lead level content in the water at these facilities was under the action level of 15 ppb. WASA says that it will provide the results of water lead level tests in public housing and hospitals once it determines the proper protocol for taking these samples.

4. Distribution of Water Filters and Replacement Cartridges

The Task Force has developed guidance and supported logistics for the distribution of water filter kits. This action has been taken, like others, under the principle of acting with an abundance of caution. Task Force members have coordinated many of the activities associated with the overall lead issue. Following are the specific actions taken to date.

The District received donations of 10,600 water filter pitchers from the Brita Products Company and 12,000 pitcher and faucet water filtration systems from the Proctor & Gamble Company for distribution to District residences with lead service lines. These filters are certified by the National Sanitation Foundation (NSF) to remove up to 98% of lead in water at amounts up to 150 parts per billion (ppb). EMA was originally given the responsibility of distributing these water filters to affected residents. Pregnant women, nursing mothers and children age six and under who live in homes with lead service lines were identified as the most at-risk population and were scheduled to be among the first to receive filtration devices. In the initial distribution on March 4 and 5, 2004, EMA delivered water filters to approximately 300 home-based daycare centers with lead service lines. Beginning Saturday, March 6 and continuing through Monday, March 22, EMA set up distribution sites at various places across the city, primarily at locations at which the DOH was offering free blood lead screening or at community meetings hosted by WASA. A total of 3,164 filtration devices were distributed at these sites.

WASA has since mailed or shipped the remaining water filters to all of the approximately 23,000 residences with known or suspected lead service lines. The filters were accompanied by a multilingual letter and instructions. A six-month supply of

replacement cartridges for these water filters was also provided to those residents who received a filter.

Both Councilmember Schwartz and Mayor Williams have called upon WASA to also distribute water filters to the approximately 21,000 residences with service lines whose make-up is uncertain. Testing conducted thus far by WASA indicates that approximately 29 percent of the "second draw" samples collected from properties served by service lines of "unknown" material exceed the action level of 15 ppb.

5. Replacement of Lead Service Lines

WASA has been continuing its replacement of lead service lines in public space in the District. DDOT has been coordinating with WASA's lead service line replacement program to reduce WASA's costs and ensure that, where necessary, lead service lines are replaced before work begins on scheduled repaving projects.

The WASA Board of Directors has expressed support for a management proposal to increase the lead service replacement schedule for FY 2004 by an additional 500 replacements of service lines in public space. These replacements will be implemented at properties that meet specific "priority" criteria as established in conjunction with the DOH. WASA is receiving requests for inclusion in the priority replacement program and is coordinating with DOH to expedite a review by DOH of these requests.

WASA continues to work with DOH and EPA to evaluate the decision to replace the public space service line pipe up to a threaded joint when an owner does not replace their portion of the service line simultaneously. This issue involves resolution of compliance questions raised under the requirement to replace the line that rests in public space.

WASA's Board of Directors has approved a resolution that proposes that the Board adopt a policy to remove all of the known lead service lines in public space in the District by September 30, 2010 and replace them with EPA-approved service

lines. Additionally, the resolution states that if a lead service line is discovered that was not previously identified and replaced prior to September 30, 2010, WASA would replace the public space portion of that service line within 90 days of knowing of its existence. The Board will hold public hearings for two months for public comment, and will decide in June 2004 whether to formally adopt this plan.

WASA is also awaiting technical analysis over the next several weeks on whether to continue to cut lead service lines. Additionally, WASA is undertaking test "dig-ups" where test results suggest the presence of a lead service line.

An outstanding issue remains regarding whether homeowners should be required to pay to replace the portion of a lead service line on their property. Councilmember Schwartz made a proposal to the Task Force at its third meeting that a revolving fund be established to make no-interest loans to homeowners to replace the portions of lead service lines that lie on their property. She also has called on WASA to reduce by 20 percent the water bills of residents who have been advised to flush their lines. WASA also mentioned that they were examining potential liability concerns.

6. Change of Chemical Composition of Water

On February 5, 2004, one day after the Committee on Public Works and the Environment held its first public hearing on the issue of lead in the water, representatives from EPA, WASA, the Washington Aqueduct and DOH conducted a teleconference call to discuss the formation of a group tasked with developing a plan to reduce the corrosivity of treated drinking water in the District to reduce the level of lead in the water to allowable levels. This group, named the Technical Expert Working Group (TEWG), first met on February 9, 2004, and is comprised of staff and contractors for WASA, the Aqueduct, DOH, Arlington County, Virginia and Falls Church, Virginia, as well as EPA staff members from the Mid-Atlantic Regional Office, EPA's Office of Research and Development in Cincinnati, Ohio and EPA's Office of Ground Water and Drinking Water. New members will be added to the TEWG as the need to add additional expertise is determined.

As a part of its Action Plan, a subgroup of the TEWG has completed its Desktop Options Analysis and has presented it to the full group. This analysis will undergo an independent peer review before it is finalized. The recommendation of the TEWG

subgroup is to conduct a partial system test using orthophosphates at WASA's Fort Reno Pumping Station and thereafter a full-system test by feeding orthophosphates at the Dalecarlia and McMillan water treatment plants. The Aqueduct is preparing to add orthophosphate to a portion of the District's water on June 1, 2004, and the entire system by September 1, 2004, which is expected to counteract the corrosive effects on lead pipes of the treated water.

7. Letters to President Bush and Congress Seeking Funding and Regulatory Review

Task Force co-chairs Mayor Williams and Councilmember Schwartz sent letters to the President and to the United States Congress requesting the assistance of relevant federal agencies and federal funding to help address the issue of lead in some of the District's drinking water. Because EPA and the Washington Aqueduct, which is a part of the United States Army Corps of Engineers, are federal entities, Mayor Williams and Councilmember Schwartz believed that it was important and appropriate that the federal government be involved in – and cover costs associated with – addressing the lead problem.

a. February 13, 2004 Letter to Representative Davis

On February 13, 2004, Mayor Williams and Councilmember Schwartz sent a letter to Representative Tom Davis, Chairman of the House Committee on Government Reform, requesting that Representative Davis hold hearings on the actions of EPA and the Washington Aqueduct regarding the issue of lead in some of the District's drinking water. Partly in response to this letter, the House Committee on Government Operations held a hearing on this matter on March 5, 2004 and may hold additional hearings in the future on EPA and Aqueduct's involvement in the lead issue.

b. February 27, 2004 Letter to President Bush

On February 27, 2004, Councilmember Schwartz sent a letter to President George W. Bush requesting that the President instruct EPA and the Washington Aqueduct to become actively involved in addressing the issue of lead in some of the District's drinking water.

c. March 11, 2004 Letter from the White House in Response to Councilmember Schwartz's Letter of February 27, 2004

On March 11, 2004, Ruben Barrales, Deputy Assistant to the President and Director of Intergovernmental Affairs at the White House, sent a letter on behalf of the President in response to the February 27, 2004 letter from Councilmember Schwartz requesting that the President instruct EPA and the Washington Aqueduct to become actively involved in addressing the issue of lead in some of the District's drinking water. Mr. Barrales wrote, "Your concerns and requests will be shared with the appropriate officials in the White House, the Environmental Protection Agency, and the United States Army Corps of Engineers. Rest assured, the Administration is aware of the situation facing our Nation's Capital and will work with you and the city to address important issues."

d. February 27, 2004 Letter to Senator Inhofe

On February 27, 2004, Mayor Williams and Councilmember Schwartz sent a letter to Senator James Inhofe, Chairman of the Senate Committee on Environment and Public Works requesting that Senator Inhofe hold hearings on the actions of EPA and the Washington Aqueduct regarding the issue of lead in some of the District's drinking water. The Senate Environment and Public Works Subcommittee on Fisheries, Wildlife and Water held a hearing regarding this matter on April 7, 2004.

e. March 23, 2004 Letter to President Bush

On March 23, 2004, Mayor Williams and Councilmember Schwartz sent a letter to President Bush requesting full reimbursement to the District and to WASA for the costs involved in addressing the issue of the increased lead levels in some of the District's drinking water. The letter explained that, since the apparent cause of this recent rise in lead levels was a change in the treatment chemistry of the District's water which was initiated by the Aqueduct and approved by EPA, it would be unfair to make the District taxpayers bear the financial burden of addressing this problem. Additionally, Mayor Williams and Councilmember Schwartz stated in this letter that the regulatory decisions of EPA, a federal agency, appear to have generated the costs involved in this matter and that, even had the actions of EPA not been the cause of this problem, the structural imbalance the District faces due to its unique situation relative to the federal government warranted federal assistance in this matter. Mayor Williams and Councilmember Schwartz calculated that the situation of lead in some of the District's drinking water has thus far cost the District a total of $25,824,101 in expenses related to blood testing, water testing, communications, logistics support and lead pipe replacement, and they requested full reimbursement of this amount from the federal government.

f. March 31, 2004 Reply from the White House to Mayor Williams' and Councilmember Schwartz's Letter of March 23, 2004

On March 31, 2004, Ruben Barrales, Deputy Assistant to the President and Director of Intergovernmental Affairs at the White House, sent a letter on behalf of the President in response to the March 23, 2004 letter sent by Mayor Williams and

Councilmember Schwartz seeking full reimbursement to the District and to WASA for the costs involved in addressing the issue of the increased lead levels in some of the District's drinking water. Mr. Barrales wrote, "The US EPA is providing $11.3 million this year in State Revolving Loan Grants to WASA for lead line replacement and has created a new program with the National Nursing Centers Consortium, called Lead Safe D.C., to bring lead education information, home visits, and blood lead level testing to District neighborhoods. In addition, the US EPA Region III is working with the District and WASA to assure that certified water filters are delivered to occupants in the estimated 23,000 homes and businesses with lead service lines, placing a priority on high risk population, and to ensure the completion of additional sampling to fully identify the extent of the problem. The Administration will continue to work with you, WASA, and other agencies to resolve this problem so that the residents of the District of Columbia are provided with safe drinking water."

g . April 7, 2004 Letter from Mayor Williams and Councilmember Schwartz to Ruben Barrales, Deputy Assistant to the President and Director of Intergovernmental Affairs at the White House in response to his letter of April 1, 2004

On April 7, 2004, Mayor Williams and Councilmember Schwartz sent a letter to Ruben Barrales, Deputy Assistant to the President and Director of Intergovernmental Affairs at the White House in response to his letter of April 1, 2004 on behalf of the President clarifying the lead in water issue and making it clear that the $11.3 million being sent to WASA this year in State Revolving Loan Grants for lead line replacement is not earmarked specifically for lead line replacement, but rather for a host of improvements to the water system. They also wrote, "As you know, the State Revolving Loan Grants are provided to the District of Columbia on an annual basis, just as they are to other states, based on a federal formula. The resources provided in the current year are

equivalent to those provided in prior years. These are not new funds provided by the federal government through the EPA for the increasing costs associated with addressing the elevated lead concentrations in water. As a consequence of the lead-in-water problem, WASA has re-allocated the State Revolving Loan Grant resources away from other important water projects in the District of Columbia, such as water main and large valve replacements and other work required to improve the reliability of water service in the Southeast quadrant of the city. Regarding the other US EPA activities mentioned in your letter, none of these involve additional resources to the city to cover expenses that WASA and the District have incurred.

"In your letter, your mention of the $11.3 million in grants is simply a repeat of the standard US EPA line that we have heard over and over again in our hearings and our discussions with US EPA officials. If you ask these officials just one follow up question, you will find out it is not one nickel more than we are entitled to under the Safe Drinking Water Act and not one penny more for remediation of this lead problem.

"We continue to seek full reimbursement from the federal government in the amount totaling $25.8 million to the District and to WASA for costs associated with addressing this problem in 2004. Again, as we wrote in our March 23 letter to President Bush, the apparent cause for this recent rise in lead levels is a change in the treatment chemistry initiated by federal entities including the United States Army Corps of Engineers' Washington Aqueduct, the provider of the District's water, and approved by the US EPA, the regulator of the District's water. Because the regulatory decisions of the US EPA appear to have generated these costs, and the resources to address them reside within the US EPA, it seems blatantly unfair that the citizens of our city should have to bear the expenses associated with addressing the problem."

h . April 1, 2004 Letters to Senate and House Subcommittees on Energy and Water Development, Labor, HHS, Education and Related Agencies and Veterans' Affairs, HUD and Independent Agencies

On April 1, 2004, Mayor Williams and Councilmember Schwartz sent letters to the Chairmen and Ranking Members of the Senate and House Subcommittees on Energy and Water Development, Labor, HHS, Education and Related Agencies and Veterans' Affairs, HUD and Independent Agencies in support of Representative Eleanor Holmes Norton's request for reimbursement of the costs involved in addressing the issue of the increased lead levels in some of the District's drinking water. As with the March 23, 2004 letter to President Bush, the letters explained that, since the apparent cause of this recent rise in lead levels is a change in the treatment chemistry of the District's water which was initiated by the Aqueduct and approved by EPA, it would be unfair to make the District taxpayers bear the financial burden of addressing this problem. Additionally, Mayor Williams and Councilmember Schwartz stated in these letters that the regulatory decisions of EPA, a federal agency, appear to have generated the costs involved in this matter and that, even had the actions of EPA not been the cause of this problem, the structural imbalance the District faces due to its unique situation relative to the federal government warranted federal assistance in this matter.

8. Consideration of Obtaining Primacy Over Drinking Water Program

Since the development of the lead in drinking water situation, EPA has considered the possibility of allowing the District to have primacy over its drinking water program. Because the District is included within the definition of "state" under the Safe Water Drinking Act (SDWA), it would be eligible to be considered for primacy over its drinking water program provided, according to EPA, that the District could satisfy the criteria contained within 40 CFR 142.10. Among those criteria, the District must

demonstrate that it can compel compliance with the national primary drinking water regulations by all public water systems in the District, and that it can take appropriate enforcement actions to enjoin any threatened or continuing violations of the national primary drinking water regulations. EPA says that, in the event that the District seeks primacy, the District would need to establish that Section 602(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 (the "Home Rule Act") gives the District sufficient authority over the Washington Aqueduct, one of the two public water suppliers in the District (along with WASA), to enforce the SDWA.